

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

BIBLE BAPTIST CHURCH by
DARRELL BAKER,
HOWARD PREAST, and
MICHAEL V. MINNICK, trustees, and
JAMES WALDECK,

Plaintiffs,

v.

Civil Action no. 2:17-cv-04613

BROTHERHOOD MUTUAL INSURANCE COMPANY,
CHURCH INSURANCE CONSULTANTS, INC., and
STEPHEN PETERS,

Defendants.

ORDER

Pending are defendant Brotherhood Mutual Insurance Company's motion to stay, filed on March 22, 2018, and defendants Church Insurance Consultants, Inc. and Stephen Peters' motion for protective order and joinder in the motion to stay, filed on March 30, 2018.

This is a damages action which involves alleged misconduct by defendants relating to an insurance policy purportedly covering plaintiffs in underlying suits for alleged

abuse and mistreatment of two students at a school operated by the Bible Baptist Church, namely, Blue Creek Academy. The underlying suits are still pending in state court.

Brotherhood wishes to stay the present action until the resolution of the underlying suits and its declaratory judgment action pending in this court as Civil Action No. 2:16-cv-00341. The other two defendants argue that insofar as they are nondiverse defendants (not fraudulently joined), the court lacks jurisdiction over this case and they should not now be subject to discovery obligations.

Plaintiffs object, arguing that the claims in this suit are ripe for adjudication. Plaintiffs believe that while the case should be remanded as soon as possible, the movants should be required to participate in discovery until that time.

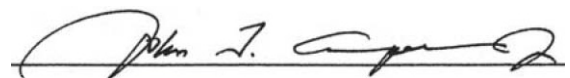
For the reasons set forth in the pending motions first above noted, the court sees fit to exercise its discretionary power to stay this action until such time as the motion to remand is ruled upon.

Accordingly, it is ORDERED that the motion to stay proceedings be, and it hereby is, granted until such time as the pending motion to remand is ruled upon, at which time the court

may have occasion to revisit the matter. It is further ORDERED that the motion for a protective order is denied as moot.

The Clerk is directed to forward copies of this order to Magistrate Judge Dwane L. Tinsley and all counsel of record.

ENTER: May 15, 2018

A handwritten signature in black ink, appearing to read "John T. Copenhaver, Jr.", is written over a horizontal line.

John T. Copenhaver, Jr.
United States District Judge